

May 4, 2012

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By Certified Mail Return Receipt Requested

Ms. Michelle Kerr
U.S. EPA –Region 5
Superfund Division (SR-6J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

US EPA RECORDS CENTER REGION 5



436639

***RE: Response to Information Request,
Chemetco Superfund Site, Hartford, IL***

Dear Ms. Kerr:

Enclosed please find responses to the United States Environmental Protection Agency's ("EPA") Information Requests ("Requests") dated November 30, 2011 regarding the Chemetco Superfund Site on behalf of Ocmus, Inc. (f/k/a Sumco, Inc.). As reflected in the introduction to the responses, EPA granted extensions for responding to the Requests to and including May 4, 2012.

While the responses on behalf of Ocmus reflect objections to many of the Requests, Ocmus has generally responded to the Requests consistent with its desire and policy to cooperate with government investigations. If you have questions, please contact me at the telephone number or e-mail address above.

Sincerely,

ICE MILLER LLP

A handwritten signature in black ink, appearing to read 'Thomas W. Dimond', with a large, sweeping flourish at the end.

Thomas W. Dimond

Enclosure

**Response of Ocmus, Inc. (f/k/a Sumco, Inc.) to
the November 30, 2011 Information Request
from the United States Environmental Protection Agency
for the Chemetco Superfund Site in Hartford, Illinois**

Ocmus, Inc., f/k/a Sumco, Inc. ("Ocmus") hereby responds to the United States Environmental Protection Agency's ("EPA") General Notice and Information Request dated November 30, 2011 issued pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") in relation to the Chemetco Superfund Site in Hartford, Illinois. Pursuant to the email dated January 26, 2012 from EPA Project Manager, Michelle Kerr, Ocmus's responses reflect an understanding that EPA intended only requests 11 and 12 to be limited to scrap metal and only request 16 to be limited to electrical and electronic equipment. In addition, the time for response was extended to May 4, 2012 by email dated February 24, 2012 from Ms. Kerr.

Ocmus provides these responses without waiving any objections that the information requested by EPA and/or the instructions and definitions accompanying the requests are beyond the scope of EPA's authority under 42 U.S.C. § 9604(e)(2) or are vague, overbroad and ambiguous. Ocmus further specifically objects to the requests as unreasonable in breadth and scope and overbroad because they are unlimited in time, call for legal conclusions, and seek the production of information protected by the attorney-client privilege, the attorney work product doctrine or other applicable privilege. Ocmus's objections and responses are made preserving:

- (a) all questions and/or objections as to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose of the responses or subject matter thereof, in any subsequent proceeding involving Ocmus;
- (b) the right to object on any ground to the use of these responses or the subject matter thereof, in any subsequent proceeding involving Ocmus;
- (c) the right to object on any ground at any time to other requests or discovery procedures involving or relating to the subject of these responses;

These responses are based on and limited by the records still in existence and the information presently recollected and identified thus far via discovery in the course of the preparation of these responses. Ocmus reserves the right to make changes in these responses if it appears that omissions or errors have been made or information that is more accurate is available.

Despite these possible objections, Ocmus provides the following responses consistent with its desire to cooperate with governmental agencies. The following responses correspond to the numbered requests in the Information Request. All responses were prepared with the assistance and advice of counsel and such discussions are covered by attorney-client and attorney work product privileges.

Questions and Requests of General Applicability

REQUEST NO. 1: Provide the following information about your company ("Respondent"):

- (a) The complete and correct legal name of your company.
- (b) The name(s) and address(es) of the President and the Chairman of the Board, or other presiding officer of the company.
- (c) The state of incorporation of the company and the company's agents for service.
- (d) The name(s) of all subsidiaries, affiliates, or parent companies to your company.
- (e) The state of incorporation and agents for service of process in the state of incorporation.
- (f) The status of all subsidiaries, affiliates, or parent companies to your company.

RESPONSE TO REQUEST NO. 1: Ocmus objects to Request Nos. 1(b), (d), (e) and (f) because they are beyond the scope of EPA's authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e) and are vague, overbroad, unlimited in time and compliance would be unduly burdensome. Ocmus further objects that the terms "affiliates" or "parent companies" (subparts (d) and (f)) are undefined, vague and ambiguous and request information that is beyond the scope of

EPA's authority under Section 104 (e) of CERCLA. Without waiving the foregoing objections, Ocmus states the following:

- (a) Ocmus, Inc., f/k/a Sumco, Inc.
- (b) Jeffrey A. Svoboda, President and Chief Executive Officer. Mr. Svoboda may be contacted through counsel for Ocmus.
- (c) Indiana; Registered Agent: CT CORPORATION SYSTEM, 251 E OHIO ST STE 1100, INDIANAPOLIS , IN 46204.
- (d) Ocmus, Inc. is a wholly owned subsidiary of Handy & Harman, which is a wholly owned subsidiary of Handy & Harman Group, Ltd, which is a wholly owned subsidiary of Handy & Harman Ltd.
- (e) See response to (c) above.
- (f) Handy & Harman is an active New York corporation in good standing. Handy & Harman Group, Ltd. is an active Delaware company in good standing. Handy & Harman Ltd. is an active Delaware company in good standing.

REQUEST NO. 2: Describe and provide any documents related to your company's business activities which resulted in sending material to Chemetco.

RESPONSE TO REQUEST NO. 2: Ocmus objects to this request because it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that at undetermined times it sent commercial grade scrap metal materials from its electroplating operations to a Chemetco facility located in Chicago, Illinois. Ocmus was a job electroplater, primarily for customers in the auto industry supply chain.

Customers sent Ocmus base metal alloys (mostly solid metal coils, overwhelmingly copper alloys, or stamped metal products--metal with a design) for electroplating. The process included (1) stripping; (2) electroplating tin, copper, silver, nickel, zinc, gold, or other metal (per customer request) to the base metal alloy, and (3) finishing. When Ocmus plated the base material, this process created scrap metal material that would be segregated by the type of base alloy into large cardboard containers. Each container held a single class of scrap metal based on the Copper Development Association ("CDA") alloy classification system except for one container that contained mixed scrap metal. The commercial grade scrap metal primarily consisted of base alloys coated with a thin layer of plating metal material (overwhelmingly tin). The vast majority of the commercial grade scrap metal materials were owned by Ocmus's customers, and Ocmus was required to sell the materials at market value and account to the customers for the value of the materials sold. Thus, for each electroplating job, Ocmus documented the amount of base alloy delivered by the customer for electroplating, the amount of base alloy delivered back to the customer as finished product and the amount of base alloy that became scrap material. In the ordinary course, transactions with Chemetco should have resulted in the creation of the following documents:

- 1) A debit memo created by Ocmus reflecting the categories of commercial grade scrap metal and the corresponding weight for each category.
- 2) A bill of lading, or other shipping document.
- 3) A check and related check stub created by Chemetco and made payable to Ocmus corresponding to one or more debit memos. The check stub should have referenced the appropriate debit memo(s) or bill(s) of lading and the weights and commercial grade categories of materials received by Chemetco as well as the amount paid for each category of materials.
- 4) A credit memo or check to Ocmus's customer for the value received from Chemetco for the commercial grade scrap metal delivered to Chemetco.

Much less frequently than the scrap materials described above, Ocmus may have sold other commercial grade scrap metal materials to Chemetco. Other scrap metal materials sold to Chemetco may have included dross from the manufacture of anodes for use in the electroplating process and metal baskets that held anodes and other materials while they were dipped in a plating bath. All these materials had value as scrap metal.

In January 2002, there was a fire at the former Ocmus facility located at 1351 S. Girls School Road, Indianapolis, IN 46231 (the "Indianapolis Facility"). This fire destroyed two-thirds (2/3) of the Indianapolis Facility and most of the company's records. Consequently, at this time, Ocmus is not aware of any documents in its possession related to Ocmus's transactions with Chemetco.

REQUEST NO. 3: Describe and provide any documents related to your company's role at the Site, including what duties/involvement your company had at the Site.

RESPONSE TO REQUEST NO. 3: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Ocmus further objects that the terms "role," "duties," and "involvement" are vague and ambiguous. Without waiving the foregoing objections, Ocmus states that neither it nor any of its employees had any authority or responsibility to direct or control any activities at the Site (defined in EPA's instructions as the former Chemetco facility located on Illinois Route 3 in Hartford, Illinois), performed any activities related to the operation of the Site, or had any job duties in relation to the Site. Further, Ocmus is not aware of any documents that would be responsive to this request.

REQUEST NO. 4: If the nature or size of Respondent's activities in relation to Chemetco changed over time, describe those changes and the dates they occurred.

RESPONSE TO REQUEST NO. 4: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, Ocmus states individual deliveries to Chemetco would have varied as to the commercial grades of scrap metal included, the relative composition of those deliveries and the weights of the commercial grades of scrap metal in each delivery. Given the lack of available records of those deliveries, at this time, Ocmus has not been able to identify any material change in the nature or size of those transactions over time.

REQUEST NO. 5: For each type of waste or material used in Respondent's operations, describe and provide documents relating to Respondent's contracts, agreements, or other arrangements for its disposal, treatment, trading, or recycling with Chemetco, including but not limited to whether Respondent controlled where waste sent to Chemetco warehouses was ultimately processed/recycled.

RESPONSE TO REQUEST NO. 5: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. In particular, Ocmus objects to this request to the extent it requests information related to the disposal, treatment, trading or recycling of materials with companies other than Chemetco. Without waiving the foregoing objections, Ocmus states that to the best of its current knowledge, it did not have a written contract or agreement with Chemetco. Ocmus further states that it had no control as to whether the commercial grade scrap materials delivered to Chemetco in Chicago, Illinois were shipped by Chemetco elsewhere or if so, where Chemetco sent them. Because of the January 2002 fire described above, Ocmus is not presently aware of any responsive documents in its possession.

REQUEST NO. 6: If not already provided, specify the dates and circumstances when Respondent's waste or material was taken to the Site, and identify the companies or individuals who brought Respondent's waste/material to the Site. Provide any documents which support or memorialize your response.

RESPONSE TO REQUEST NO. 6: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Ocmus further objects to the term "circumstances" as vague and ambiguous. Without waiving the foregoing objections, Ocmus states that it has no present knowledge that any commercial grade scrap metal material from the Indianapolis Facility was sent to the Site. Ocmus further states that, due to the lack of records in its possession, as described above, it cannot state the dates of any deliveries of commercial grade scrap metal materials to a Chemetco facility in Chicago, Illinois or the identity of the companies or individuals who delivered the materials.

REQUEST NO. 7: Were transactions between your company and Chemetco and specifically the Site: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?

RESPONSE TO REQUEST NO. 7: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, Ocmus states that its transactions with a Chemetco facility in Chicago, Illinois were outright sales of the commercial grade scrap metal materials and that Ocmus never received any return of those materials from Chemetco or directed the disposition of those materials by Chemetco. Ocmus further states that to the best of its current knowledge, no commercial grade scrap metal materials from the Indianapolis Facility were delivered directly to the Site.

REQUEST NO. 8: Did your company have any influence over waste disposal or recycling activities at the Site? If so, how?

RESPONSE TO REQUEST NO. 8: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, Ocmus states that it had no authority or responsibility to direct or control any activities at the Site and never performed any waste disposal, recycling or other processing activities at the Site.

REQUEST NO. 9: Was any shipment of material sent to the Site by Respondent ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.

RESPONSE TO REQUEST NO. 9: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, Ocmus states that it has no present knowledge that any commercial grade scrap metal material from the Indianapolis Facility was sent to the Site or that any such materials delivered to Chemetco's Chicago, Illinois facility were refused or returned to the Indianapolis Facility.

REQUEST NO. 10: Describe in detail the types of material that you sent for recycling, processing, or disposal at the Site. In your response, please also give the generic name of each type of materials shipped to the Site [e.g., scrap metal (including scrap automobiles), batteries, electronics, scrap paper, scrap plastic or scrap textile, etc.].

- (a) Identify whether the materials were delivered directly to the Site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.
- (b) State whether any of the material was ever tested by your company and if so, whether the substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. § 261, Subpart C.
- (c) Describe what was done to materials once they were brought to the Site, including any further processing of the materials.

- (d) Provide any additional information and all documents that you believe are related to the type, nature and characteristics of the materials you sent to the Site.
- (e) List the years in which your company sent materials to Chemetco and/or its broker(s) for recycling, processing, or disposal.

RESPONSE TO REQUEST NO. 10: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, Ocmus states that it has no present knowledge that any commercial grade scrap metal material from the Indianapolis Facility was sent to the Site. As described above, to its present knowledge, Ocmus believes all such materials were delivered to a Chemetco facility in Chicago, Illinois. Ocmus further states that to the best of its current knowledge the commercial grade scrap metal materials that were delivered to a Chemetco facility in Chicago would have been primarily in the following categories:

- 1) CDA Classification C26000 (alloy composed of copper, approximately 70%, zinc, and other trace metals, i.e., < 1%; also referred to as cartridge brass)
- 2) CDA Classification C42500 (alloy composed of copper, 87-90%, tin, 1.5-3%, zinc and other trace metals, i.e., <1%)
- 3) CDA Classification C10000 series (alloys composed of copper, > 99%, and other trace metals, i.e., < 1%)
- 4) Copper/beryllium alloy
- 5) mixed metal scrap.

The CDA classifications used above are based on current CDA classifications, however, similar classifications are believed to have existed at the time materials were being delivered from the Indianapolis Facility to Chemetco in Chicago. None of the above-described categories of commercial grade scrap metal materials was ever tested by Ocmus for hazardous waste characteristics under Indiana, Illinois or federal regulations because they were not wastes and their composition was known based on the known content of the base alloy and the plating metal applied by Ocmus. To its present knowledge, Ocmus did not sell or delivery any batteries, plastic, paper, or electronic equipment to Chemetco, and due to the lack of available records,

Ocmus cannot presently list the years in which commercial grade scrap metal materials were sent from the Indianapolis Facility to Chemetco in Chicago, Illinois.

Questions and Requests for Documents Related to Scrap Metal

REQUEST NO. 11: For the following questions which relate to transactions involving scrap metals, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:

- (a) Did a market exist for the scrap metal listed in your response to No. 10 above? If so, describe the nature of such a market at the time of the transaction (possible uses, possible consumers, etc.) and the source of the commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).
- (b) What commercial specification grade did the scrap metal listed in your response to question No. 10 meet? Identify/list the commercial specification grades that each scrap metal identified in No. 9 met.
- (c) At the time of the transaction(s) what was the intended disposition of the scrap metal listed in your response to question No. 10? Did this include burning as fuel, or for energy recovery, or incineration?
- (d) After sale, transfer, delivery, recycling, or disposal, what portion of the scrap metal listed in your response to question No. 10 was to be made available for use as a feedstock for manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.
- (e) Could the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a virgin raw material? If so, provide details.
- (f) Could any products made from the scrap metal listed in your response to question No. 10 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
- (g) Did your company melt the scrap metal listed in your response to question No. 10 before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal.
- (h) Describe the source of or the process that produced the materials sent to the Site.

RESPONSE TO REQUEST NO. 11: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's

information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states the following:

- (a) A market existed for the commercial grade scrap metal materials from the Indianapolis Facility bought by Chemetco. The base alloys of the scrap materials consisted of high quality metal classified by grades by the CDA.
- (b) See Response to Request No. 10.
- (c) Ocmus's intent in selling the materials described above was to comply with the directives of its customers and recoup the value of the metal, most of which was credited to its customers. Ocmus is not aware what Chemetco intended to do with the materials, but has no information indicating that Chemetco intended to use the materials for burning as fuel, for energy recovery, or incineration.
- (d) Based on the information currently available to Ocmus, Ocmus is unaware whether any portion of its commercial grade scrap metal materials was intended by Chemetco to be used as a feedstock for manufacturing of new saleable products, or, if so, what portion was intended for that use.
- (e) Ocmus further objects to this request because it is vague and ambiguous by its failure to specify what process would use either Ocmus's materials or a virgin raw material. Based solely on a general understanding of the possible uses of metal materials, Ocmus presumes that its commercial grade scrap metal materials delivered to Chemetco could have been used as a replacement or substitute for virgin raw material in some processes.
- (f) Ocmus further objects to this request because it is vague and ambiguous by its failure to specify what process would use either Ocmus's materials or a virgin raw material. Based solely on a general understanding of the possible uses of metal materials, Ocmus presumes that its commercial grade scrap metal materials delivered to Chemetco could have been used to manufacture a product that would be a replacement or substitute for a similar product made from virgin raw material in some processes.
- (g) No.
- (h) As indicated above, Ocmus delivered its commercial grade scrap metal materials to a Chemetco facility in Chicago – not the Site. For a description of the process that led to the generation of those materials, see the response to Request No. 2

REQUEST NO. 12: Did any of the scrap material sent to the Site contain other material(s) incident to or adhering to the scrap? If so, describe in detail.

RESPONSE TO REQUEST NO. 12: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without

waiving the foregoing objections, as indicated above, Ocmus is not aware that any of its commercial grade scrap metal was delivered to the Site. As to the materials delivered to a Chemetco facility in Chicago, see responses to Request Nos. 2 and 11.

Additional Questions and Requests of General Applicability

REQUEST NO. 13: Did any of the material sent to the Site contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at the Site, after being received at the Site, or was the wire not stripped?

RESPONSE TO REQUEST NO. 13: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, as indicated above, Ocmus is not aware that any of its commercial grade scrap metal was delivered to the Site. As to the materials delivered to a Chemetco facility in Chicago, Ocmus states that such materials may have included very small quantities of scrap metal wire. Such materials would not have included wiring insulation because Ocmus's former plating operations handled the wire before insulation was applied.

REQUEST NO. 14: Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.

RESPONSE TO REQUEST NO. 14: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Without waiving the foregoing objections, based on the information currently available to Ocmus, the commercial grade scrap metal was shipped in cardboard boxes that would not have contained any liquids or other wastes. The approximate dimensions of a typical cardboard box used for such shipping would have been 4 feet by 4 feet by 4 feet tall. To its knowledge, Ocmus states that

none of the materials sold to Chemetco were contained in drums, except the small amounts of dross from anode manufacturing.

REQUEST NO. 15: Describe all efforts (i.e., Site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question No. 10.

RESPONSE TO REQUEST NO. 15: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that it has no current knowledge that any of its former employees ever visited the Site for the purpose stated in the request. One of its former employees visited the Site at the invitation of Chemetco.

Questions and Requests Related to Electrical and Electronic Equipment

REQUEST NO. 16: For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers, monitors, cables, circuit boards, or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response:

- (a) List an estimated number of shipments of electrical and electronic equipment your company sent to the Site on an annual basis and list the years. In this list, include the type and quantity, volume and weight of electrical and electronic equipment sent;
- (b) At the time of the transaction(s), what was the intended disposition of the electrical and electronic equipment listed in your response to question 15(a)? Did the intended disposition include burning as fuel or for energy recovery or incineration?

RESPONSE TO REQUEST NO. 16: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's

information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that it did not send any electrical or electronic equipment (e.g., transformers, capacitors, white goods (appliances), computers, monitors, cables, circuit boards, batteries, or other electrical equipment) to Chemetco.

Additional Questions and Requests of General Applicability

REQUEST NO. 17: With respect to waste or materials sent to the Site, at the time of the transactions, specify the measures you took to determine the actual means of treatment, disposal, recycling, or other uses of the material. Provide information you had and any documents relating to the treatment, recycling and disposal practices of Chemetco at the Site. What assurances, if any, were you given by the owner/operator of the Site regarding the proper handling and ultimate disposition of the materials you sent there, as well as its compliance with applicable environmental laws? Include in your response any correspondence to and from Chemetco relating to this topic and dates the measures were taken or assurances were given.

RESPONSE TO REQUEST NO. 17: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, as indicated above, Ocmus is not aware that any of its commercial grade scrap metal was delivered to the Site. Ocmus currently is not aware of any documents in its possession relevant to this request as a 2002 fire destroyed most of the Indianapolis Facility and its documents.

REQUEST NO. 18: What efforts and when, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering disposing of, trading, or arranging for the treatment, recycling, or disposal of any materials?

RESPONSE TO REQUEST NO. 18: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, as indicated above, Ocmus is not aware that any of its commercial grade scrap metal was delivered to the Site. On one occasion, at an undetermined time, Mark Brouillard, a former Ocmus employee, visited the Site at the invitation of Chemetco while Brouillard was in the general area on other business.

REQUEST NO. 19: Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. § 9627, sent to the Chemetco Site.

RESPONSE TO REQUEST NO. 19: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Ocmus further objects to the request to the extent it asks about compliance with unspecified regulations or standards other than Section 127 of CERCLA and because Section 127 of CERCLA does not establish standards regarding recycling but rather establishes conditions for the establishment of a defense to liability under CERCLA. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, as indicated above, Ocmus is not aware that any of its commercial grade scrap metal was delivered to the Site.

REQUEST NO. 20: Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding scrap metal promulgated under Resource Conservation and Recovery Act (RCRA).

RESPONSE TO REQUEST NO. 20: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that it is not currently aware of any violations of RCRA regarding its commercial grade scrap metal transactions with Chemetco.

REQUEST NO. 21: Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

RESPONSE TO REQUEST NO. 21 Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Ocmus further objects because RCRA Identification Numbers are location specific rather than being specific to a company. Without waiving the foregoing objections, Ocmus states that the RCRA Identification Number of the Indianapolis Facility when it was formerly operated by Ocmus was IND 981955859.

REQUEST NO. 22: List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 *et seq.*, (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 *et seq.*, (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 *et seq.*

RESPONSE TO REQUEST NO. 22: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e).

REQUEST NO. 23: Identify the federal and state offices to which such information was sent. State the years during which such information was sent/filed.

RESPONSE TO REQUEST NO. 23: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e).

REQUEST NO. 24: If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

RESPONSE TO REQUEST NO. 24: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that it is not currently aware of any person(s) who

might be able to provide a more detailed or complete response to the questions posed by these requests.

REQUEST NO. 25: If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained. If the records were destroyed, provide us with the following:

- (a) the document retention policy between 1970 and 2001;
- (b) a description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
- (c) a description of the type of information that would have been contained in the documents;
- (d) the name, job title and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for the destruction of these documents; and the person(s) who had and/or still may have the originals or copies of these documents; and
- (e) the names and most current address of any person(s) who may possess documents relevant to this inquiry.

RESPONSE TO REQUEST NO. 25: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, as previously stated, a fire in January 2002 destroyed most of the Indianapolis Facility and vast amounts of documents. Based on our investigation to date, all documents relevant to Chemetco and Ocmus's relevant operations prior to January 2002 were destroyed by the 2002 fire.

REQUEST NO. 26: Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.

RESPONSE TO REQUEST NO. 26: Ocmus objects to this request on the grounds that it is vague, overbroad, unlimited in time and compliance would be unduly burdensome. Further, Ocmus objects to this request as the requested information is beyond the scope of EPA's information request authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). Without waiving the foregoing objections, Ocmus states that these responses were prepared with the assistance of Mark Brouillard, Sumco, LLC; Tom Brouillard, Sumco, LLC; in-house counsel for Handy & Harman Ltd.; and counsel at Ice Miller LLP. The above-listed persons can be contacted through Ice Miller LLP.